

## REMARKS

**Reconsideration of this application is respectfully requested.**

### **I. STATUS OF THE CLAIMS**

Claims 1-3, 6-11 and 13 are pending. Claims 1 and 6 have been amended. Claim 12 has been cancelled. No new matter is added by these amendments.

### **II. REJECTIONS OF THE CLAIMS UNDER 35 USC § 103**

The claims stand rejected as being obvious over Coyle in view of La Croce and also in view of Van Holdt. These grounds for rejection are not believed to be well taken and are respectfully traversed.

The Coyle patent requires the provision of a ring 2 (Upper Wall) with the inner end of its tapered or cone shaped portion provided with a cylindrical portion 5, which projects upwardly to define a friction seat for the cylindrical lower portion 13 of the cover 11 (col 2, lines 20-34). Thus Coyle requires the presence of an upwardly projecting cylindrical portion 5 to provide a frictional surface for the engagement between the ring top and the cover. This cylindrical portion is required in the Coyle arrangement to provide, with its frictional engagement of the cylindrical portion 13 of the cover, a tight sealed engagement between the ring top 2 and the cover 11. The required cylindrical portion of Coyle must project upwardly beyond a plane containing the edge of the peripheral lateral wall of the tubular body of the container. Otherwise the cylindrical portion would have to project downwardly, into the container, thereby reducing its internal free volume.

Furthermore, the projection of the ring top 2 outwardly and upwardly from the upper edge of the container lateral wall has the additional disadvantage of making it difficult or even impossible to directly stack the containers and also makes the cover vulnerable to involuntary impact during the transport and handling of the containers.

The La Croce patent discloses a reclosable can construction in which the upper annular ring 13 (ring top-upper wall) of the can projects upwardly to define a cylindrical portion 20 against which the outer surface of a plug frictional wall 34 of a sealing plug or cover 30 (col 2. Lines 15-30) is seated. The La Croce arrangement also requires an upwardly projecting cylindrical portion 20 to provide a frictional surface for the engagement between the upper annular ring and the cover. The existence of cylindrical portion 20 in La Croce is necessary to provide a frictional sealing engagement between the upper annular ring 13 and the plug/cover 30. i.e. Cylindrical portion 20 frictionally engages the plug friction wall 34 of the plug/cover. Here too, the cylindrical portion 20 has to project upwardly and beyond a plane containing the edge of the peripheral lateral wall of the tubular body of the container, otherwise the cylindrical portion would have to project downwardly into the container thereby reducing the internal free volume of the container.

Furthermore, the projection of the upper annular ring 13 outwardly and upwardly from the upper edge of the container lateral wall has the disadvantage of making it difficult or even impossible to directly stack the containers, and also making the cover vulnerable to impacts during transportation, storage and handling. Also, the axial retention of the plug/cover 30 of La Croce to the upper annular ring 13 is obtained exclusively from the friction between the mutual seated cylindrical surfaces, which requires small construction tolerances and which usually does not provide a reliable arrangement for retention of the plug/cover to the container.

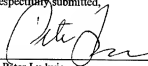
Both La Croce and Coyle disclose the same basic construction consisting of an upper wall or ring projecting outwardly from the body of the container with all of the attendant operational drawbacks discussed above. Combining the teachings of these two references does not suggest the can arrangement defined by the amended claims of the present invention. Simply stated, the cited prior art does not suggest or disclose the circumferential rib/cradle arrangement called for in the amended claims.

The Van Holdt reference does not overcome the deficiencies of the Coyle and La Croce references.

Accordingly, withdrawal of the present grounds for rejection is believed to be in order and such action is earnestly solicited. A Notice of Allowance for the present claims is now believed to be in order and such action is earnestly solicited.

A Request for Continued Examination(RCE) accompanies the present response. The fees for the RCE and any other fees required for this response should be charged to Deposit Account Number 06-1050. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



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